

REMARKS

Reconsideration and withdrawal of the examiner's claim objections and rejections under 35 USC §§ 112, 102 and 103 is respectfully requested in view of the above amendments and the following remarks. The applicant would like to thank the examiner for her time and kind cooperation in this matter.

35 USC § 112

The examiner has rejected claims 8-10 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner asserts that claim 8 lacks support for "the soap" (see lines 1-2) with respect to claim 1. This claim should properly depend from claim 3 and claims 9-10, being dependent from claim 8, are rejected as well. In response, claim 8 has been amended to depend from claim 3 according to the examiner's kind suggestion.

35 USC § 102

The examiner has rejected claims 1, 11 and 12 under 35 U.S.C. 102(b) as being anticipated by Lundberg, et al., (US Patent No. 2,987,484), hereinafter "Lundberg".

In response, claim 1 has been amended to clearly distinguish the claim over Lundberg. Claims 11 and 12 depend from claim 1. Applicants respectfully submit that Lundberg does not disclose the addition of fatty alcohol to the melt after the air or gas has been incorporated into the melt as the examiner also observes on page 3, lines 6-8 of the office action. Regarding support for the amendment, page 5, lines 16 to 17 of the present specification states that it is particularly preferred that the addition of the fatty alcohol is done after the incorporation of air or gas. Furthermore, example 1 of the present specification describes how the fatty acid, cetyl alcohol, was added after aeration. Lundberg does not disclose or suggest producing an aerated solid detergent wherein the melt is aerated after the addition of fatty acid. Amended claim 1 provides a novel and unobvious process for preparing a low density detergent bar composition by incorporating air and stabilising it in the formulation during processing, but surprisingly maintaining the physical and in use properties of the bar.

It is respectfully submitted that there is no indication or suggestion in Lundberg that the soap can be aerated after the addition of the fatty acid. In fact, in column 14, lines 20 to 23, Lundberg requires that the synthetic detergent and fatty alcohol are agitated for about 20 minutes until the synthetic detergent is fully dispersed into the fatty alcohol vehicle. Following this dispersion step, the melt is then aerated. Lundberg teaches the skilled person that the synthetic detergent must be fully dispersed in the fatty acid before aeration can take place and does not contemplate adding the fatty alcohol after the aeration step has taken place. Therefore amended claim 1 and subsequent dependent claims are not anticipated by Lundberg.

Assuming arguendo a proper prima facie case had been set out under § 103(a), applicants respectfully assert that the unexpected results disclosed in the instant specification with respect to fatty alcohols stabilizing the entrained air in the toilet bar as shown for examples prepared when the claimed level of fatty acid was added after aeration of the bar (see Tables 2 to 4 and specification page 12, lines 19-20) are sufficient to rebut such a prima facie case.

35 USC § 103

The examiner has rejected claims 2-3, 5, 7 and 13 under 35 U.S.C. 103(a) as being unpatentable over Lundberg as applied to the above claims. Applicants respectfully traverse this rejection. Applicants respectfully submit that a proper prima facie case is not set out under § 103(a) for claims 2-3, 5, 7 and 13 which depend from amended claim 1 for the reasons discussed above.

The examiner has rejected claims 1-5 and 7-13 under 35 U.S.C. 103(a) as being unpatentable over Taneri, et al., (US Patent No. 5,194,172), hereinafter "Taneri". Applications respectfully traverse this rejection.

Applicants respectfully submit that a proper prima facie case under § 103(a) is not made out by Taneri for the following reasons. Taneri describes forming an aerated freezer or soap bar which does not require drying. However, Taneri does not disclose or suggest the process of the present invention whereby the fatty acid component is added to the soap melt after the aeration of the soap melt mix. For example, claim 1 of Taneri requires that the first step is

mixing a soap composition comprising (A) metal fatty acids (B) sucrose (C) waxes, free fatty acids and fatty alcohols and (D) water. The second step is then to aerate this mix followed by the third step of cooling the mix and the fourth step of forming aerated bars from this mix.

There is no disclosure or suggestion that the fatty acid could or should be added to the melt mix after the aeration of the mix. In fact, other than the claims stating that an aeration step is included, there is no further discussion of incorporating gas or air into the melt and how this would be carried out. In column 5, lines 28 to 52, Taneri describes a number of suitable ways to incorporate free fatty acid into the freezer soap bars. Preferably, the free fatty acid is introduced to the soap mixture at the initial crutching stage or alternatively prior to or during the aeration stage. However, there is no discussion that the free fatty acid may be added after the aeration stage.

The examiner has rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Taneri as applied to the above claims, and further in view of Moroney, et al., (US Patent No. 5,264,144), hereinafter "Moroney". Applicants respectfully traverse this rejection.

The examiner has rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Lundberg as applied to the above claims, and further in view of Moroney. Applicant respectfully traverse this rejection.

Applicants respectfully submit that Moroney does not remedy the deficiencies of either Lundberg or Taneri with respect to setting forth a proper prima facie case under § 103(a) for claim 6 which depends from amended claim 1. Moroney is not directed toward an aerated bar of soap as claimed in the present invention, but instead is directed to providing an improved lathering freezer soap bar.

CONCLUSION

In summary, claims 1 and 8 have been amended. No new matter has been added.

In light of the above remarks, applicants submit that the claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested. The examiner is invited to contact the undersigned if there are any questions concerning the case.

Respectfully submitted,



Alan A. Bornstein
Registration No. 40,919
Attorney for Applicant(s)

AAB/ss
(201) 894-2180